

EPA Region 10 Administrator Meeting with the Alaska Resource Development Council (RDC), Alaska Miners Association (AMA), the Alaska Oil and Gas Association (AOGA)

February 13TH, 2018– EPA Alaska Operations Office

Draft Summary of Industry Comments

Mitigation: The 1994 Alaska Wetlands Initiative worked as it allowed flexibility. This was a bi-partisan effort which engaged folks between October 1993 and May 1994¹, industry reps do not seem interested in re-opening this effort. From Industry’s perspective, 404 was working before the 2008 mitigation rule. There are limited opportunities to conduct restoration in drainage and mitigation banks have not worked in Alaska. Banks are seen as an additional tax on development. The mitigation requirements as they are being required now does not seem to be moving forward the goals of the CWA.

Request for follow-up: EPA legal opinion as to whether or not compensatory mitigation is required under the CWA.

EPA 404(c) action: EPA’s decision to suspend the PD on Bristol Bay was a surprise. Development is hindered by regulatory uncertainty. There may be investors who will make choices to invest other places instead of Alaska given regulatory uncertainty. Difficult to attract business in Alaska with the high costs and looming uncertainty, for example, under future Administrations will other projects be “nationalized?” There are many special places in Alaska, what will prevent EPA from conducting a similar assessment and potential 404(c) action in other parts of the State. There is particular concern with respect to ANWR and the potential for 10 times as many commenters if/when ANWR development moves forward.

Small remote incinerators: Request for a solution to allow for best working practices to be implemented. Does EPA have authority to put this in place? Request for support in moving this forward, “breaking the log jam.”

Additional comments, inquiry and items of interest: Status of WOTUS; status of GHG; Anti-degradation Rule and Tier 3 WQS in Alaska (concerns with respect to the cost of technology and ability to discharge); appreciate early communication (no surprises); and invitation for Administrator to participate in the Alaska Miners Association Meeting in Fairbanks at the end of March.

Industry participants:

Alicia Siira, AMA

Kara Moriarty, AOGA

Ex. 5 Deliberative Process (DP)

Marleanna Hall, RDC
Eric Fjelstad, Perkins Coie LLC
Tim Gallagher, HDR Alaska
Bill Jeffress, SRK Consulting
James Fuego, Pebble Partnership
Brad Thomas, ConocoPhillips Alaska
Scott Jepsen, ConocoPhillips Alaska
Bill Britt, Hilcorp Alaska LLC
Doug Chapados, Petro Star

EPA Participants: Chris Hladick, Tami Fordham, Jennifer Curtis and Matt LaCroix